

IN THE CLAIMS:

Please cancel claims 2-46 and add the following new claims:

1 ~~47~~. (new) A biopsy instrument for obtaining multiple samples of tissue at a biopsy site of a patient, said instrument comprising:

- a) a housing;
- b) a needle having a longitudinal axis, said needle being rotatably attached to said housing near a proximal portion of said needle, said needle further having:
  - i) a distal end; and
  - ii) a tissue receiving port in said needle adjacent to the distal end of said needle for receiving a discrete sample of the tissue, said tissue receiving port being positionable to multiple angular positions about the longitudinal axis of said needle for sequentially obtaining the multiple samples of the tissue upon rotation of said needle relative to said housing; and
- c) a cutter disposed coaxially on the longitudinal axis of said needle, said cutter being movable relative to said needle for severing the multiple samples of the tissue sequentially received in said tissue receiving port of said needle at the multiple angular positions about the longitudinal axis of said needle.

2 ~~48~~. (new) The biopsy instrument as recited in Claim ~~47~~ wherein said needle has a point at the distal end thereof which is adapted for piercing the tissue of the patient.

3 ~~49~~. (new) The biopsy instrument as recited in Claim ~~47~~, wherein said needle is hollow.

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~~4~~ 50. (new) The biopsy instrument as recited in Claim ~~49~~ <sup>3</sup> wherein said cutter is an outer cannular cutter positioned about the hollow needle for movement along the longitudinal axis of said needle.

~~5~~ 51. (new) The biopsy instrument as recited in Claim ~~50~~<sup>4</sup>, and further comprising a vacuum source communicating with said tissue receiving port for selectively applying a vacuum through said hollow needle so as to facilitate prolapse of the discrete sample of the tissue into said tissue receiving port of said hollow needle.

~~6~~ 52. (new) The biopsy instrument as recited in Claim ~~5~~ 51, wherein said hollow needle has a vacuum manifold separating a vacuum chamber in said needle from said tissue receiving port, said vacuum manifold including a perforated section on said manifold, wherein when said vacuum is applied from said vacuum source, said vacuum is pulled through said vacuum chamber, and the discrete sample of the tissue is prolapsed into said tissue receiving port against said vacuum manifold.

~~7~~ 53. (new) The biopsy instrument as recited in Claim ~~50~~<sup>4</sup>, wherein said outer cannular cutter is movable rotationally relative to said hollow needle.

~~8~~ 54. (new) The biopsy instrument as recited in Claim ~~53~~ 7, wherein said outer cannular cutter moves rotationally concurrently when said cutter moves along the longitudinal axis of said hollow needle for sequentially severing the multiple samples of the tissue received in said tissue receiving port of said hollow needle.

9~~55~~.(new) The biopsy instrument as recited in Claim 6~~52~~, and further comprising a knock out element disposed coaxially within said hollow needle, said knock out element being movable relative to said needle along the longitudinal axis of said

needle for facilitating the release of the discrete sample of the tissue.

<sup>10</sup>  
~~56~~. (new) The biopsy instrument as recited in Claim ~~55~~<sup>9</sup>, wherein said knock out element has a vent hole at a distal end of said knock out element so as to provide a passageway for applying the vacuum through said hollow needle.

<sup>11</sup>  
~~57~~. (new) The biopsy instrument as recited in Claim ~~47~~<sup>1</sup>, and further comprising a needle indexing gear mounted in said housing, said needle indexing gear being coupled to said needle such that when said needle indexing gear is actuated, said needle is rotated about the longitudinal axis of said needle.

<sup>12</sup>  
~~58~~. (new) The biopsy instrument as recited in Claim ~~47~~<sup>1</sup>, and further comprising a needle linear driver mounted in said housing, said needle linear driver being coupled to said needle such that when said needle linear driver is actuated, said needle is advanced along the longitudinal axis of said needle so as to position said needle at the location of the biopsy site.

<sup>13</sup>  
~~59~~. (new) The biopsy instrument as recited in Claim ~~54~~<sup>8</sup>, and further comprising a cutter indexing gear mounted in said housing, said cutter indexing gear being coupled to said outer cannular cutter, such that when said cutter indexing gear is actuated, said outer cannular cutter is rotated about the longitudinal axis of said needle.

<sup>14</sup>  
~~60~~. (new) The biopsy instrument as recited in Claim ~~59~~<sup>13</sup>, and further comprising a cutter linear driver mounted in said housing, said cutter linear driver being coupled to said outer cannular cutter, such that when said cutter linear driver is actuated, said outer cannular cutter is advanced along the longitudinal axis of said needle so as to sequentially sever the multiple samples of the tissue received in said tissue receiving port